

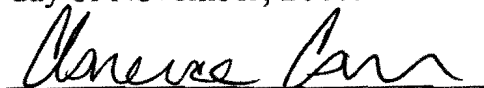
EXHIBIT G

and the Superior Court action (case #2017CV00513 09) was filed on February 7, 2017. Attached as Exhibit "A" is the Plaintiff' request for a hearing on its writ of possession claim filed in the Superior Court action. At present there are 2 pending cases between the same parties in 2 separate courts for the same claim of possession therefore under the first filed rule this case should be dismissed with prejudice because "[n]o suitor may prosecute two actions in the courts at the same time, for the same cause, and against the same party, and in such a case the defendant may require the plaintiff to elect which he will prosecute, if commenced simultaneously; and the pendency of the former shall be a good defense to the latter, if commenced at different times" (Jones v. Rich's, Inc., 81 Ga. App. 841, 60 S.E.2d 402 (1950) (quoting with approval Grant v. Franklin, 244 Ga.App. 370, 370-371, 534 S.E.2d 584 (2000)).

WHEREFORE Defendant respectfully requests this Court:

- a. Dismiss this action with prejudice;
- b. Such other and further relief as the Court deems just and proper.

Respectfully submitted this 16th day of November, 2017.



Clarence Carr

Pro se

8703 Lake Forest Drive
Jonesboro, Georgia 30236

IN THE MAGISTRATE COURT OF CLAYTON COUNTY
STATE OF GEORGIA

U.S. Bank as Trustee for 2006-6 Trust

Plaintiff,

v.

Clarence Carr & all other occupants

Defendants.

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CASE NO. 2017-CM05631

dispossessory proceeding

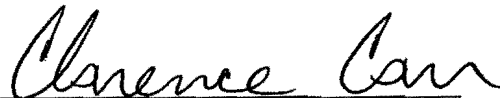
JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party with a copy of the within and foregoing, **DEFENDANT CLARENCE CARR'S MOTION TO DISMISS** in a properly addressed envelope, with adequate postage affixed thereto and addressed as follows:

Weissman, Nowack, Curry & Wilco, P.C.
Attn: Mr. Mathew Totten, Esq.
3500 Lenox Road
One Alliance Center, 4th Floor
Atlanta, Georgia 30326

Dated this 16th day of November, 2017.



Clarence Carr

Pro se

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Jonesboro, Georgia 30236